**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6954 OF 2006**

Rajhans Krishi Falodyan Vikas
Sahakari Sanstha Maryadeet. .. Petitioner.

vs.

Vinayak Devidas Joshi
& Ors. . .. Respondents.

Mr. C.P. Deogirikar for petitioner.
Mr. M.M. Kadam for Respondent Nos. 4 to 8.
Mr. B. N. Lad for Respondent Nos. 1 to 3.

**CORAM : A.P. DESHPANDE, J.**

**DATE : 15th November, 2006.**

P.C.

. Respondent nos. 1 to 3 have instituted a civil suit against respondent nos. 4 to 8 seeking perpetual injunction. In the said pending suit the present petitioner which is an agricultural society moved an application for impleading it as a party respondent. The said application moved under order 1 rule 10 of CPC has been rejected by the trial Court holding that in the opinion of the Court the petitioner is neither a necessary party nor a proper party. Aggrieved by the order of rejection of the

application, the petitioner moved a review petition and on rejection thereof the instant writ petition has been filed.

2. The suit is only for perpetual injunction simplicitor and no other relief is claimed therein. The plaintiff is claiming superior title than the defendants in the said suit and the only relief prayed is in regard to injunction, whereas the petitioner/applicant claims to be owner and in possession of part of the suit property. The trial court has rightly held that if the plaintiff is claiming possession based on title then the said issues cannot be agitated in the instant suit as the suit is only for injunction.

3. I have perused the order passed by the Court below. No interference is called for. In the result, the petition deserves to be dismissed summarily and hence it is dismissed summarily.

**(A.P. Deshpande, J.)**